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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,305	09/26/2006	Norihiro Kobayashi	64312(46590)	2154

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EDWARDS ANGELL PALMER & DODGE LLP
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BOSTON, MA 02205

EXAMINER

HUYNH, PHUONG N

ART UNIT	PAPER NUMBER
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1644

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1644

DETAILED ACTION

I. Claims 1-17 are pending.

Election/Restrictions

II. Restriction to one of the following inventions is required under 35 U.S.C. 121 and 372:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1:

1. Claims 1-4, 7, 12, 15 and 17, drawn to a **protein** having the amino acid sequence shown by SEQ ID NO: 2, SEQ ID NO: 25, SEQ ID NO: 4 and SEQ ID NO: 27 or a salt thereof or an amino acid sequence substantially the same as these, a complex thereof, and a kit comprising said complex.
2. Claims 5, and 8-11, drawn to a **method of making recombinant protein genetically**, a **polynucleotide** encoding a protein having the amino acid sequence shown by SEQ ID NO: 2, SEQ ID NO: 25, SEQ ID NO: 4 and SEQ ID NO: 27 or a salt thereof or an amino acid sequence substantially the same as these, vector comprising said polynucleotide.
3. Claim 13, drawn to a **method of identifying a plasticizer** that binds to a complex.
4. Claim 14, drawn to a **method of measuring or quantifying a plasticizer** which comprises the complex.
5. Claim 16, drawn to a **method of concentrating a plasticizer** using the complex.

The inventions listed as Groups 1-5 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The US Pat No 5,582,826 (issued Dec 10, 1996; PTO 892) teaches a protein having the amino acid sequence substantially the same as the claimed SEQ ID NO: 27, see reference SEQ ID

Art Unit: 1644

NO: 2, in particular. The reference sequence has at least 93.5% identical the claimed SEQ ID

NO: 27, see sequence alignment below.

US-08-230-843-2

Query Match 92.5%; Score 517; DB 1; Length 244;
 Best Local Similarity 93.5%; Pred. No. 3.9e-36;
 Matches 100; Conservative 4; Mismatches 3; Indels 0; Gaps 0;

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Qy      2 IVLTQSPAIMSASLGERVTMTCTASSSVSSSYLHWYQQKPGSSPKLCIYSTSNLASGVPT 61
      |:|||||:|||||
Db      3 ILLTQSPSIMSASLGERVTMTCTASSSVSSSYLHWYQQKPGSSPKLWIYSTSNLASGVPA 62

Qy     62 RFSGSGSGTSYSLTISSMEAEDAATYYCHQYHRSPPTFGSGTKLEIK 108
      |||||
Db     63 RFSGSGSGTSYSLTISSMEAEDAATYYCHQYHRSPLTFGAGTKLELK 109
  
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Since Applicant's inventions do not contribute a special technical feature when viewed over the prior art they do not have single general inventive concept and lack unity of invention.

- III. Accordingly, Groups 1-5 are not so linked as to form a single general inventive concept and restriction is proper.
- IV. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.
- V. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and a product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be considered for rejoinder. All claims directed a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103, and 112. Until all claims to the elected product claim are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowed product claim will

Art Unit: 1644

not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The IFW official Fax number is (571) 273-8300.

VII. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phuong Huynh/

Patent Examiner

Technology Center 1600

November 9, 2007